

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the Official Action dated September 11, 2003, the Examiner rejected Claims 1-52 under 35 U.S.C. §102(e), as being anticipated by Schneck (U.S. Patent No. 6,314,409) (hereinafter "Schneck").

With respect to the Examiner's rejection of Claims 1-52 as being anticipated by Schneck, applicant respectfully disagrees.

The present invention is directed to a system and method for controlling access to electronic information packages including e-mail messages communicated from a sending device to a receiving device at one or more destination locations. The system and method includes determining fulfillment of one or more certain conditions at the destination location; and, implementing control in response to detection of a fulfilled one or more certain conditions to enable access to content provided in a communicated package. The access includes enabling a user to actively perform certain operations on the package content at the destination location. A mechanism is included for enabling automatic destruction of the e-mail messages immediately after being read by an authorized recipient, or, after a predetermined time interval from receipt of the message. However, according to another aspect of the invention, a passive verification system is employed that enables a sender to verify users attempting to access the e-mail, for example, by video or television monitoring of the users at the destination point. Such passive detection for detecting a user is set forth in Claim 16 for instance which sets forth a video camera system for generating video signals at said destination device and a display device for receiving and displaying video signals at said sending device, said video camera system enabling a sender

at a sending device to observe users attempting to read or play information package content at a destination device.

This system for enabling sender observation of a user at a destination location is neither taught nor contemplated by Schneck reference which only teaches means at the destination device for verifying/authenticating user access to packaged data. Accordingly, independent Claims 1, 24 and 41 are being amended to set forth that the sender of the electronic information package may observe a person that requests to read or access content information at destination. Thus, a fulfillment condition includes sender identification of the user, e.g., by observation. Respectfully, no new matter is being entered by this amendment as full support is provided in the specification (See Page 12, lines 9-13 and Figure 1 and 2).

In view of the amendment to Claim 1 herein, the dependency of Claim 16 is being amended so that it now depends upon Claim 1 to further limit the means for user observation as including a video camera system. Likewise, in view of the amendments to Claim 24, the dependencies of each of Claims 37-39 are being changed accordingly.

Respectfully, even though the Examiner has indicated in the Office action a rejection of Claim 16, this rejection is misplaced. The Examiner indicates rejection of Claim 16 based on Schneck at Col. 8, lines 21-27, however, the indicated passage describes a tamper proof mechanism including encrypting output digital signals or scrambling analog signals, thus requiring the provision of decryption or unscrambling capability in the output device (which may include a standalone device such as a television, VCR and the like. The cited passage really does not teach or describe the mechanism as claimed in amended Claim 16 and likewise, amended Claim 37.

As Schneck does not teach the mechanism or method step for enabling the sender of the electronic information package to observe a person that requests to read or access content information at destination as now set forth in amended Claims 1, 24 and 41, it is respectfully requested that the Examiner withdraw the rejections of Claims 1, 24 and 41 as being anticipated by Schneck. Respectfully, it is further requested that the Examiner withdraw the rejection of all claims dependent upon these amended claims.

With specific regard to the rejection of Claim 21 directed to automating access to information, the Examiner cites a passage in Schneck at Col. 30, line 7 which states that "the entire process can be automated". While the Examiner is interpreting this as a blanket statement regarding operation of the system described as a whole, in actuality, the automated process referred to in the cited passage refers to download (purchase) of new software. The automation referred to is thus totally out of context, and thus, respectfully, the Examiner's reliance on this in the rejection of Claim 21 is misplaced.

With specific regard to the rejection of Claim 22 directed to an electronic system such as a robotic device used to access information, the Examiner cites a passage in Schneck at Col. 31, lines 34-40 that is directed to robotic devices used to control processes in general. Again, respectfully, the use of robotics referred to in this passage is out of context, and thus, respectfully, the Examiner's reliance on this in the rejection of Claim 22 is misplaced.

In sum, the Examiner is respectfully requested to withdraw all remaining claims dependent either directly or indirectly upon amended independent Claims 1, 24 and 41. In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the

Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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